

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEROY WILLIAMS,

Plaintiff,

v.

DR. STEINWEINDER,

Defendants.

No. C09-5806 RJB/KLS

ORDER TO SHOW CAUSE

This matter comes before the Court on Plaintiff's proposed civil rights complaint. Dkt. 1. To file a complaint and initiate legal proceedings, a plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

On December 28, 2009, Plaintiff filed an application to proceed *in forma pauperis* and a proposed civil rights complaint. Dkt. 1. On January 7, 2010, the Clerk sent a letter to Plaintiff advising him that he must submit an updated trust account statement showing transactions for the past six months. Dkt. 2. In response, Plaintiff provided a trust account statement covering the period from December 4, 2009 to January 7, 2010. Dkt. 5, p. 1.

The court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).

Pursuant to 28 U.S.C. § 1915(a)(2):

ORDER - 1

1 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
2 proceeding without prepayment of fees or security therefor . . . shall submit a
3 certified copy of the trust fund account statement (or institutional equivalent) for
4 the prisoner for the *6-month period* immediately preceding the filing of the
complaint or notice of appeal, obtained from the appropriate official of each
prison at which the prisoner is or was confined.

5 *Id.* (emphasis added).

6 By letter dated January 7, 2010, the Court Clerk advised Mr. Williams that he was
7 required to submit a trust account statement reflecting balances for the *six months* preceding the
8 filing of his application, and that he should do so on or before February 8, 2010. Dkt. 2
9 (emphasis added). Mr. Williams submitted a trust account statement covering only the one
10 month period from December 4, 2009 to January 7, 2010.

11 Accordingly, it is **ORDERED**:

12
13 (1) Plaintiff shall submit a copy of his prison trust account statement showing the
14 balance and activity of his account for the **six-month** period immediately preceding the filing of
15 his petition **on or before May 7, 2010, or show cause why he cannot**. Alternatively, Plaintiff
16 shall pay the full \$350.00 filing fee required to proceed with this action on or before **May 7,**
17 **2010**.

18
19 (2) Failure to cure these deficiencies by the above date shall be deemed a failure to
20 properly prosecute this matter and the Court will recommend dismissal of this matter.

21 (3) The Clerk is directed to send a copy of this Order to Plaintiff.

22 **DATED** this 15th day of April, 2010.

23
24 

25 Karen L. Strombom
26 United States Magistrate Judge